

DEPARTMENT OF SOCIAL SERVICES  
744 P Street, Sacramento, CA 95814



November 25, 1983

ALL-COUNTY LETTER NO. 83-122

TO: ALL COUNTY WELFARE DIRECTORS

SUBJECT: FURTHER COURT ORDER IN REYNA VS. McMAHON

REFERENCE: ALL COUNTY LETTER 83-109

A hearing was held in San Francisco Superior Court, November 15, 1983, to hear the allegation of the plaintiffs that All County Letter No. 83-109 did not accurately set forth the requirements of the Preliminary Injunction issued on October 17, 1983. The plaintiffs contended, and the judge agreed, that the case identification requirements of that ACL were inadequate. The court issued an order directing the Department of Social Services (DSS) to require counties that did not notify all strikers denied or discontinued AFDC-U under the terms of the preliminary injunction to take further steps to notify those families. This order is attached (Attachment I) and supplements the preliminary injunction contained in ACL 83-109.

The court changed the beginning month of the order from April 1982 to October 1982. The court also specifically gives several options for those counties that were unable under the original order to identify and notice all families denied AFDC-U or discontinued from AFDC-U because of the striker provisions contained in EAS Section 44-206. The order also permits counties to use any other method to get notice to these people. The options are as follows:

1. Counties may send a notice to only those persons who were denied or discontinued on the basis of EAS Section 44-206;
2. Counties may send a notice to all persons who were denied AFDC-U benefits or whose AFDC-U benefits were discontinued;
3. Counties may send a notice to all persons who were denied AFDC benefits or whose AFDC benefits were discontinued;
4. Counties may contact all unions within their own jurisdiction that were on strike, obtain a list of members within each union on strike, and either a) send a notice to all strikers, or b) search

the files to determine if any of those listed were denied or terminated from AFDC-U because of their participation in the strike. In a letter to follow, DSS will transmit a listing of unions which participated in a strike during the period April 1982 to October 1983. This listing will contain the name of the employer, the name of the union, and the location of the union; the letter will also contain further procedural instructions. Counties choosing this option that have difficulty in obtaining information from unions should contact DSS to determine if additional information (such as employee names) is available.

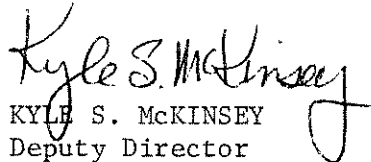
Counties that know, such as through information obtained from EDD, that there have been no strikes can report such knowledge in writing as a sufficient response to the court.

Those counties that are able through their own means to identify all denials and discontinuances due to strike participation need do no more than send those identified persons the notification which accompanied ACL 83-109.

To date, DSS has received Response Forms from a number of counties which constitute sufficient response to the original court order. The counties listed on Attachment II need not do anything further to comply. Any other counties that in the future submit Response Forms that meet the requirements of the court will be notified individually. All other counties are required to send the Important Notice attached to ACL 83-109 or the notice attached to this letter as Attachment III by December 19, 1983. In accordance with the court order, counties must retain a list of the name and address of each person to whom they sent a notice.

The county must then submit Attachment IV to DSS by December 23, 1983, specifying the method used to identify the persons to receive notices, the date notices were sent, and the number of notices sent. It is important that counties report timely so that DSS may inform the court by December 30, 1983 what each county has done to comply with the order.

If you have any questions concerning this letter, please contact Diane Munso at (916)324-2004.

  
KYLE S. McKINSEY  
Deputy Director

Attachments

cc: CWDA

1 EVELYN R. FRANK  
 2 LEGAL AID SOCIETY OF ALAMEDA COUNTY  
 3 2357 San Pablo Avenue  
 4 Oakland, California 94612  
 5 Telephone: (415) 465-4376

6 RALPH MURPHY  
 7 ELIZABETH R. ARNOLD  
 8 JANE GRANT KERR  
 9 CONTRA COSTA LEGAL SERVICES FOUNDATION  
 10 1017 MacDonald Avenue; P.O. Box 2289  
 11 Richmond, California 94802  
 12 Telephone: (415) 233-9954

13 Attorneys for Plaintiffs

14 SUPERIOR COURT OF CALIFORNIA

15 CITY AND COUNTY OF SAN FRANCISCO

16	MANUAL REYNA, et al.,	}	NO. 812764
17	Plaintiffs,	}	
18		}	<u>ORDER</u>
19	vs.	}	
20	LINDA McMAHON, et al.,	}	
21	Defendants.	}	

22 Plaintiffs' motion for sanctions, and for further relief  
 23 incidental to this court's preliminary injunction, came on for  
 24 hearing on November 15, 1983.

25 The court having considered the brief and arguments of  
 26 counsel, hereby finds:

27 1. In its preliminary injunction of October 6, 1983, the  
 28 court ordered defendants McMahon and Department of Social  
 Services ("DSS") to instruct the counties to notify those persons  
 who had been denied state-only AFDC-U benefits on the basis of  
 EAS §44-206 that they may now be eligible to receive such  
 benefits pursuant to the order of this court, said notices to be  
 sent no later than November 21, 1983. The court entered that

1 order despite defendants' protest that the counties would be  
2 required to do a case by case search to identify those persons  
3 who should receive such notice;

4 2. On October 17, 1983, in All County Letter 83-109,  
5 defendants instructed the county welfare departments that they  
6 are "required to use any means currently available which would  
7 result in the ability to readily identify cases" affected by said  
8 regulation, and, further, that "A manual case search is not  
9 required." In addition, defendants required the county welfare  
10 departments to complete a "response form", to be returned by  
11 November 30, 1983 stating whether or not potentially eligible  
12 cases could be identified in accordance with the Department's  
13 instructions;

14 3. By failing and refusing to instruct the counties that  
15 all persons affected by the striker regulation were to receive the  
16 notice required by this court's preliminary injunction by  
17 November 21, 1983, defendants have, without good cause or  
18 substantial justification, violated the court's order.

19 IT IS THEREFORE ORDERED that defendants McMahon and  
20 Department of Social Services, and each of them, shall pay to the  
21 clerk of this court the sum of \$1,500.00, said payment to be made  
22 no later than November 22, 1983;

23 IT IS FURTHER ORDERED that said defendants shall immediately  
24 instruct the county welfare departments as follows:

25 a. No later than December 1<sup>st</sup>, each county welfare  
26 department shall notify all persons whose applications for state-  
27 only AFDC-U benefits were denied or whose benefits were  
28 discontinued, at any time from <sup>October 1</sup> April 1, 1982 through October 31,

1 1983, on the basis of the striker provisions of EAS §44-206, that  
2 they may now be eligible to apply for and receive such benefits,  
3 by sending them a notice substantially in the form of that  
4 attached to this court's preliminary injunction of October 6,  
5 1983, as Exhibit A;

6 2. Any county welfare department which verifies, through  
7 the Employment Development Department, that there were no strikes  
8 ~~from October 1, 1982 through October 31, 1983~~  
9 ~~during the aforesaid period~~, need not send any notices. Said  
10 verification shall be <sup>based upon information</sup> obtained from EDD ~~in writing~~, and shall be  
11 filed with this court and served on plaintiffs' counsel,  
12 together with defendants' return, as set forth herein;

13 3. No notice need to be sent to families whose AFDC-U  
14 benefits were reduced, but not denied or discontinued, because  
15 they included a striking non-caretaker relative. The county  
16 welfare departments shall identify and send a notice to all other  
17 persons affected by EAS §44-206 from <sup>October 1,</sup> ~~April 1,~~ 1982 through October  
18 31, 1983, by using the following methods, or any other method  
19 calculated to send notice to those persons whose benefits were  
20 denied or discontinued on the basis of the striker regulation:

21 a. They may send the notice only to those persons  
22 whose benefits were denied or discontinued, on the basis of EAS  
23 §44-206, from <sup>October 1,</sup> ~~April 1,~~ 1982 through October 31, 1983;

24 b. They may send the notice to all persons whose  
25 applications for AFDC-U benefits were denied, or whose AFDC-U  
26 benefits were discontinued, during that period;

27 c. They may send the notice to all persons whose  
28 applications for AFDC benefits were denied, or whose AFDC  
29 benefits were discontinued, during that period;

1 d. They may send the notice to all persons who were  
2 on strike during that period, if such persons can be identified  
3 through EDD or by some other means in sufficient time to comply  
4 with this court's order.

5 ④ In addition to sending the foregoing notice, any county  
6 which turned away applicants for AFDC-U benefits on the basis of  
7 striker provision of EAS §44-206 without taking a written  
8 application shall publish the notice, in an advertisement of  
9 reasonable size, in each newspaper of general circulation in the  
10 county, once a week for four consecutive weeks, the first such  
11 advertisement to appear no later than December 2, 1983;

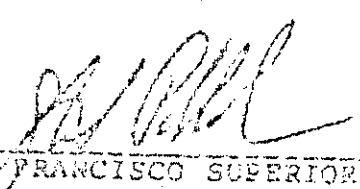
12 5. Each county shall retain a list of the name and  
13 address of each person to whom they send a notice pursuant to  
14 this court's preliminary injunction and pursuant to this order;

15 6. IT IS FURTHER ORDERED that defendants shall instruct  
16 the counties in accordance with the foregoing provisions, said  
17 instructions to be <sup>sent</sup> ~~received at each county welfare department~~ no  
18 later than the close of business on Monday, November <sup>23</sup> 21, 1983.  
19 Defendants shall provide an advance copy of the instructions to  
20 plaintiffs' counsel no later than 5:00 p.m. on November <sup>21</sup> 21, 1983.

21 7. IT IS FURTHER ORDERED that, no later than December <sup>20</sup> 20,  
22 1983, defendants shall file a return with this court showing what  
23 each county has done to comply with this order and with the  
24 court's preliminary injunction.

25 SO ORDERED.

26 DATED: 11/15/83

27  
28   
29 SAN FRANCISCO SUPERIOR COURT JUDGE

List of counties that have met court-ordered requirements

Alameda  
Amador  
El Dorado  
Fresno  
Inyo  
Lassen  
Mariposa  
Mono  
Nevada  
San Benito  
San Joaquin

San Luis Obispo  
San Mateo  
Santa Barbara  
Santa Clara  
Siskiyou  
Solano  
Stanislaus  
Tehama  
Trinity  
Tuolumne  
Yuba

IMPORTANT NOTICE

Your application for AFDC benefits may have been denied or your AFDC benefits may have been discontinued or reduced on the grounds that you or another member of your family were on strike. Because of a recent court order in Reyna vs. McMahon (San Francisco Superior Court) IF YOU ARE STILL ON STRIKE, YOU MAY NOW BE ELIGIBLE TO RECEIVE AFDC.

If you wish to do so, you should immediately contact your county welfare department. Bring this letter with you.

If you have any questions, you may also contact your local welfare rights organization or Legal Aid office, or you may contact plaintiffs' attorneys (see bottom of page):

AVISO IMPORTANTE

Es posible que se haya negado su solicitud para beneficios de AFDC o que se hayan descontinuado o reducido sus beneficios de AFDC con base en que usted u otro miembro de su familia estaba participando en una huelga. En virtud de una orden reciente de la corte en el caso de Reyna vs. McMahon (Corte Superior de San Francisco), SI USTED TODAVIA ESTA EN HUELGA, ES POSIBLE QUE AHORA SEA ELEGIBLE PARA RECIBIR AFDC.

Si desea hacerlo, debe ponerse en contacto con su departamento de bienestar del condado inmediatamente. Traiga consigo esta carta.

Si tiene alguna pregunta, tambien puede ponerse en contacto con su organizacion local de derechos de los recipientes de ayuda publica o la oficina de ayuda legal (Legal Aid), o puede ponerse en contacto con los abogados de los demandantes:

Elizabeth Arnold  
Contra Costa Legal Services Foundation  
1017 MacDonald Avenue, P.O. Box 2289  
Richmond, California 94802  
Telephone: (415) 233-9954

Evelyn R. Frank  
Legal Aid Society of Alameda County  
2357 San Pablo Avenue  
Oakland, California 94612  
Telephone: (415) 465-4376



Attachment IV

Reyna v. McMahon

Response Form 2

1. What method was used to identify the persons to receive notices? \_\_\_\_\_  
\_\_\_\_\_
2. How many cases were identified and sent notices? \_\_\_\_\_
3. What date were notices sent? \_\_\_\_\_

Return completed form to: AFDC Program Development Bureau  
State Department of Social Services  
744 P Street, M.S. 16-25  
Sacramento, CA 95814

Attention: Diane Munso

Your Name (PRINT)	Date
Signature	Phone Number
County	